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May 21, 1997

VIA FIRST CLASS MAIL

Ms. Sherry Estes  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region V  
77 West Jackson Blvd, C-29-A  
Chicago, IL 60604

EPA Region 5 Records Ctr.



275186

Re: Skinner Landfill Litigation

Dear Sherry:

For your information, I am enclosing copies of the following motions that we filed today in the Skinner Landfill litigation:

- (1) Plaintiffs' Motion to Consolidate the two private cost recovery actions that Plaintiffs have brought and an accompanying memorandum in support of that motion;
- (2) Plaintiffs' Motion for Entry of a Proposed Case Management Order, a Proposed Case Management Order, and an accompanying memorandum in support of that motion and of Plaintiffs' Suggestion of Complex Case; and
- (3) Plaintiffs' Suggestion of Complex Case.

The Proposed Case Management Order incorporates an alternative dispute resolution ("ADR") process that is substantially similar to that which accompanied my May 1, 1997 memorandum to all defendants in the Skinner litigation (a copy of which was forwarded to you separately). As you will note, we have kept the schedule at the back end of the ADR process intact, so that the Allocator's preliminary and final non-binding allocation reports remain due on the dates originally scheduled, *i.e.*, December 22, 1997, and March 13, 1998. However, based on comments only recently raised by certain of the defendants that the time period allocated for selection of an allocator was insufficient, Dan Dozier agreed that an extension of that period --

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Ms. Sherry Estes  
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and, therefore, periods allotted for certain activities set to occur prior to the time responses to the allocation questionnaire are due -- was warranted.

To accommodate these concerns, the plaintiffs agreed to a modest extension of the deadlines for those early activities. However, the deadlines for the questionnaire responses and all subsequent ADR activities remain the same as those set forth in the May 1, 1997 ADR Procedure previously sent you.

Please give me a call if I can answer any questions you may have regarding the ADR process or other aspects of the Skinner Landfill cost recovery litigation.

Sincerely,

  
Karl S. Bourdeau

KSB:trs

Enclosure

cc: Dan Dozier (with enclosure)

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